

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

NEW YORK STATE RIFLE AND PISTOL  
ASSOCIATION, INC.; WESTCHESTER  
COUNTY FIREARMS OWNERS  
ASSOCIATION, INC.; SPORTSMEN'S  
ASSOCIATION FOR FIREARMS EDUCATION,  
INC.; NEW YORK STATE AMATEUR  
TRAPSHOOTING ASSOCIATION, INC.;  
BEDELL CUSTOM; BEIKIRCH AMMUNITION  
CORPORATION; BLUELINE TACTICAL &  
POLICE SUPPLY, LLC; BATAVIA MARINE &  
SPORTING SUPPLY; WILLIAM NOJAY,  
THOMAS GALVIN, and ROGER HORVATH,

Plaintiffs,

-v.-

ANDREW M. CUOMO, Governor of the State of  
New York; ERIC T. SCHNEIDERMAN, Attorney  
General of the State of New York; JOSEPH A.  
D'AMICO, Superintendent of the New York State  
Police; LAWRENCE FRIEDMAN, District  
Attorney for Genesee County; and GERALD J.  
GILL, Chief of Police for the Town of Lancaster,  
New York,

Defendants.

13-cv-00291-WMS

**DECLARATION OF WILLIAM J. TAYLOR, JR.**

WILLIAM J. TAYLOR, JR., an attorney duly admitted to practice before this Court,  
declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an Assistant Attorney General in the office of ERIC T. SCHNEIDERMAN,  
Attorney General of the State of New York, attorney for defendants Andrew Cuomo, Governor  
of the State of New York; Eric T. Schneiderman, Attorney General of the State of New York;

and Joseph A. D'Amico, Superintendent of the New York State Police (collectively, the "State Defendants") in the above-captioned action.

2. I submit this declaration in support of the State Defendants' Cross-Motion to Dismiss and/or for Summary Judgment and in Opposition to the Plaintiffs' Motion for a Preliminary Injunction, for the limited purpose of providing the Court with true and accurate copies of the following documents contained in the annexed Appendix, and referenced in the accompanying Memorandum of Law in Opposition to Plaintiffs' Motion for a Preliminary Injunction and in Support of State Defendants' Motion to Dismiss and/or for Summary Judgment, dated June 21, 2013, State Defendants' Statement of Undisputed Material Facts in Support of State Defendants' Motion for Summary Judgment, submitted herewith in support of the State Defendants' motion:

| <b>Exhibit</b> | <b>Exhibit Description</b>   |
|----------------|--|
| 1              | Amended Complaint, <i>New York State Rifle and Pistol Association, Inc. v. Cuomo</i> , Case No. 13-cv-00291 (W.D.N.Y.), ECF No. 17 (" <b>Am. Cmpl.</b> ")                                    |
| 2              | Law Center to Prevent Gun Violence, <i>Introduction to Gun Violence Statistics</i> , Nov. 18, 2012 (" <b>LCPGV Statistics</b> ")   |
| 3              | United States Centers for Disease Control, <i>2005-2010 United States Homicide Firearm Deaths and Rates per 100,000</i> (" <b>CDC 2005-2010</b> ")   |
| 4              | United States Centers for Disease Control, <i>2010 United States Firearm Deaths and Rates per 100,000</i> (" <b>CDC 2010</b> ")  |
| 5              | Governor's Program Bill, 2013, <i>Memorandum in Support of the Secure Ammunition and Firearms Enforcement Act</i> , 2013 N.Y. Laws, ch. 1 (the "SAFE Act") (" <b>2013 Governor's Mem.</b> ") |
| 6              | New York State Assembly <i>Memorandum in Support of the SAFE Act</i> (" <b>2013 Assembly Memo</b> ")   |
| 7              | New York State Senate <i>Introducer's Memorandum in Support of the SAFE Act</i> , 2013 (" <b>2013 Senate Mem.</b> ")   |

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|----------------|--|
| 8              | Violent Crime Control and Law Enforcement Act of 1994 (“ <b>federal assault weapons ban</b> ”), Public Law 103-22-Sept. 13, 1994,  |
| 9              | House of Representatives Committee on the Judiciary Report 103-489, Public Safety and Recreational Firearms Use Protection Act, May 2, 1994 (“ <b>Judiciary Comm. Report</b> ”)                            |
| 10             | United States Bureau of Alcohol, Tobacco and Firearms (“ATF”), Firearms and Explosives Industry Division, <i>Study on the Importability of Certain Shotguns</i> , January 2011 (“ <b>2011 ATF Study</b> ”) |
| 11             | ATF, <i>Report and Recommendation on the Importability of Certain Semiautomatic Rifles</i> , July 6, 1989 (“ <b>1989 ATF Study</b> ”)  |
| 12             | ATF, <i>Study on the Sporting Suitability of Modified Semiautomatic Rifles</i> , April 1998 (“ <b>1998 AFT Study</b> ”)  |
| 13             | Laws of New York, Chapter 189, Text (“ <b>2000 Assault Weapons Ban</b> ”)  |
| 14             | Governor’s <i>Program Bill Memorandum</i> , 2000 Assault Weapons Ban (“ <b>2000 Governor’s Mem.</b> ”)   |
| 15             | New York State Senate Introducer’s Memorandum in Support, 2000 Assault Weapons Ban (“ <b>2000 Senate Mem.</b> ”)   |
| 16             | New York Assembly Debate Excerpt, pp 161-168, June 23, 2000 (“ <b>6/23/2000 Assembly Debate</b> ”)   |
| 17             | New York Senate Debate Excerpt, pp. 6137-6152, June 22, 2000 (“ <b>6/22/2000 Senate Debate</b> ”)  |
| 18             | <i>Governor Proposes Five Point Plan to Combat Gun Violence</i> , Mar. 15, 2000 (“ <b>Gov. 2000 Press Release</b> ”)   |
| 19             | ATF, <i>Report on the Importability of Certain Shotguns</i> , July 2, 2012 (“ <b>2012 ATF Study</b> ”)   |
| 20             | City of Buffalo, Chapter 180. Firearms, Arrows and Other Weapons (“ <b>Buffalo Ordinance</b> ”)  |
| 21             | City of Rochester, Chapter 47.Dangerous Articles (“ <b>Rochester Ordinance</b> ”)  |
| 22             | City of Albany, Chapter 193. Firearms and Ammunition (“ <b>Albany Ordinance</b> ”)   |
| 23             | New York City Administrative Code, §§ 10.301, 10.303.1, 10.305, 10.306   |

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|---------|--|
| 24      | Laws of New York, 2013, Chapter 1 (“ <b>SAFE Act</b> ”)  |
| 25      | Governor’s Press Release, <i>Governor Cuomo Signs NY SAFE Act in Rochester</i> , January 16, 2013  |
| 26      | New York State Assault Weapon Registration Form (“ <b>Reg. Form</b> ”)   |
| 27      | New York State Assembly Debate Excerpt, pp. 65, 127, January 15, 2013 (“ <b>Assembly Debate 1/15/13</b> ”)   |
| 28      | Prepared Testimony by Laurence H. Tribe, Carl M. Loeb University Professor and Professor of Constitutional Law, Harvard Law School, <i>Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment</i> , Senate Judiciary Committee Subcommittee on the Constitution, Civil Rights and Human Rights. February 12, 2003, (“ <b>2013 Tribe Testimony</b> ”) |
| 29      | Testimony of Brian J. Siebel, Senior Attorney, Brady Center to Prevent Gun Violence, before the Council of the District of Columbia, Oct. 1, 2008, Exhibit to Appellees’ Statutory Addendum, <i>Heller v. District of Columbia</i> , 10-7036 (“ <b>Brady Center Testimony</b> ”)   |
| 30      | <i>The Return of the Assault Rifle; High-Powered Weapons Seem to be Regaining Their Deadly Role in WNY Crime and Violence</i> , The Buffalo News, Nov. 21, 2010, Lou Michel. (“ <b>Buffalo News</b> ”)   |
| 31      | <i>Assault Weapons: Mass Produced Mayhem</i> , Brady Center to Prevent Gun Violence, October 2008 (“ <b>2008 Brady Report</b> ”)   |
| 32      | <i>Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003</i> , Christopher S. Koper, July 2004 (“ <b>Koper 2004</b> ”)   |
| 33      | <i>Banning Assault Weapons – A Legal Primer for State and Local Action</i> , Legal Community Against Violence, April 2004 (“ <b>LCAV 2004 Primer</b> ”)  |
| 34      | <i>America’s Experience with the Federal Assault Weapons Ban, 1994-2004, Key Findings and Implications</i> , Christopher S. Koper (chapter in <i>Reducing Gun Violence in America: Informing Policy with Evidence and Analysis</i> ) (“ <b>Koper 2013</b> ”)   |
| 35      | <i>Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994: Final Report</i> . The Urban Institute, March 13, 1997 (“ <b>Koper 1997</b> ”)   |

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| 36      | Statement of Professors of Constitutional Law: The Second Amendment and the Constitutionality of the Proposed Gun Violence Prevention Legislation, January 3, 2013 (“ <b>Professors’ Statement</b> ”)   |
| 37      | “ <i>Officer Down</i> ”: <i>Assault Weapons and the War on Law Enforcement</i> , Violence Policy Center, May 2003 (“ <b>VPC 2003</b> ”)   |
| 38      | <i>More Than Half of Mass Shooters Used Assault Weapons and High-Capacity Magazines</i> , Mother Jones, Feb. 27, 2013, Follman, Aronson, Lee (“MJ 2/27/13”), available at <a href="http://www.motherjones.com/politics/2013/02/assault-weapons-high-capacity-magazines-mass-shootings-feinstein">http://www.motherjones.com/politics/2013/02/assault-weapons-high-capacity-magazines-mass-shootings-feinstein</a> |
| 39      | <i>Analysis of Recent Mass Shootings, January 2009 – January 2013</i> , Mayors Against Illegal Guns (“ <b>Mayors Analysis</b> ”)  |
| 40      | ATF, <i>Assault Weapons Profile</i> , April 1994 (“ <b>ATF AW Profile</b> ”)  |
| 41      | Declaration of Mark Overstreet, <i>Heller v. District of Columbia</i> , 10-7036 (D.C. Cir.), ECF No. 23-7 (“ <b>Overstreet Heller II Decl.</b> ”)   |
| 42      | <i>Firearm Justifiable Homicides and Non-Fatal Self-Defense Gun Use: An Analysis of Federal Bureau of Investigation and National Crime Victimization Survey Data</i> , Violence Policy Center, 2013 (“ <b>VPC 2013 Self-Defense</b> ”)  |
| 43      | <i>Private Guns, Public Health</i> , David Hemenway (U. Mich. Press 2007) (“ <b>Hemenway 2007</b> ”)  |
| 44      | The Gun Debate’s New Mythical Number: How Many Defensive Uses Per Year? Philip J. Cook; Jens Ludwig; David Hemenway, <i>Journal of Policy Analysis and Management</i> , Vol. 16, No. 3, Special Issue: The New Public Management in New Zealand and beyond. (Summer, 1997) (“ <b>Hemenway, Cook 1997</b> ”)   |
| 45      | Images of Rifles that are Not Classified as Assault Weapons (“ <b>Non-AW Rifles</b> ”)  |
| 46      | Images of Pistols that are Not Classified as Assault Weapons (“ <b>Non-AW Pistols</b> ”)  |
| 47      | Images of Shotguns that are Not Classified as Assault Weapons (“ <b>Non-AW Shotguns</b> ”)  |
| 48      | New York Assembly Debate Excerpts, pp. 282-284, 297, 342, Mar. 28, 2013, (“ <b>3/28/13 Assembly Debate</b> ”)   |
| 49      | <i>The Police Department’s 9-Millimeter Revolution</i> , The New York Times, Feb. 15, 1999, Raymond W. Kelly (“ <b>NYT Opinion 1999</b> ”)  |

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| 50      | Brief for Professional Historians and Law Professors Saul Cornell, Paul Finkelman, Stanley N. Katz, and David T. Kong As <i>Amici Curiae</i> in Support of Appellees, <i>Heller v. District of Columbia</i> , 10-7036 (D.C. Cir.), ECF No. 1266982 (“ <b>Heller Historians Brief</b> ”)  |
| 51      | <i>On Target: The Impact of the 1994 Federal Assault Weapon Act</i> , Brady Center to Prevent Gun Violence, March 2004 (“ <b>Brady 2004 Impact Study</b> ”)  |
| 52      | New York State Assembly Debate Excerpt, pp. 13-14, 18-19, May 24, 2005 (“ <b>5/24/05 Assembly Debate</b> ”)  |
| 53      | New York State Assembly Debate Excerpt, pp. 62-72, Jan. 9, 2006 (“ <b>1/9/06 Assembly Debate</b> ”)  |
| 54      | <i>United States of Assault Weapons, Gunmakers Evading the Federal Assault Weapons Ban</i> , Violence Policy Center, July 2004 (“ <b>VPC July 2004 U.S. of AW</b> ”)   |
| 55      | <i>A Further Examination of Data Contained in the Study On Target Regarding Effects of the 1994 Federal Assault Weapons Ban</i> , Violence Policy Center, April 2004 (“ <b>VPC 2004 Further Exam. of On Target</b> ”)  |
| 56      | <i>In Virginia, high-yield clip seizures rise</i> , Washington Post, Jan. 23, 2011 (“ <b>WaPo 1/23/11</b> ”), available at <a href="http://www.washingtonpost.com/wp-dyn/content/article/2011/01/22/AR2011012203452.html">http://www.washingtonpost.com/wp-dyn/content/article/2011/01/22/AR2011012203452.html</a>   |
| 57      | <i>High-capacity magazines saw drop during ban, data indicate</i> , Washington Post, Jan. 13, 2013, available at <a href="http://articles.washingtonpost.com/2013-01-10/news/36272948_1_magazines-and-assault-weapons-33-round-magazine-high-capacity-magazines">http://articles.washingtonpost.com/2013-01-10/news/36272948_1_magazines-and-assault-weapons-33-round-magazine-high-capacity-magazines</a>   |
| 58      | <u>Collected Articles</u> : <i>Heroes of the Tuscon Shooting: “Something Had to be Done,”</i> ABC News, Jan. 10, 2011; <i>Texas Capitol Gunman Was Reloading When Troopers Tackled Him</i> , 10KWTX, Jan. 22, 2010; <i>Church Gunman Brought 76 Shells and Expected to Use Them</i> , ABC News, July 28, 2008; <i>Shootings in a Schoolhouse: The Hero</i> ; <i>A Wounded Teenager</i> , NY Times May 23, 1998; <i>Death on the L.I.R.R.: The Rampage</i> ; <i>Gunman on a Train Aisle Passes Out Death</i> , NY Times Dec. 9, 1993. |
| 59      | Testimony of Chief Jim Johnson, Baltimore County, Maryland, Chair, National Law Enforcement Partnership to Prevent Gun Violence, Senate Judiciary Committee Hearing, Jan. 30, 2013 (“ <b>Baltimore Police Chief Testimony</b> ”)   |
| 60      | Excerpts from Amended Complaint New York State Rifle and Pistol Association, Inc. v. City of New York, 13-2115 (S.D.N.Y)   |

| <b>Exhibit</b> | <b>Exhibit<br/>Description</b>  |
|----------------|---|
| 61             | Images from SAFE Act website, Pictures of Rifles – Banned Features (“ <b>Banned Rifles</b> ”)   |
| 62             | Images from SAFE Act website, Pictures of Shotguns – Banned Features (“ <b>Banned Shotguns</b> ”)   |
| 63             | Images from SAFE Act website, Pictures of Pistols – Banned Features (“ <b>Banned Pistols</b> ”)   |
| 64             | <i>The Criminal Purchase of Firearm Ammunition</i> , Injury Prevention, 2006 (“ <b>Criminal Purchase</b> ”)   |
| 65             | Images from SAFE Act website, Listing of Rifles that Are Classified as Assault Weapons (“ <b>AW Rifles</b> ”)   |
| 66             | Images from SAFE Act website, Listing of Shotguns that Are Classified as Assault Weapons (“ <b>AW Shotguns</b> ”)   |
| 67             | Images from SAFE Act website, Listing of Pistols that Are Classified as Assault Weapons (“ <b>AW Pistols</b> ”)   |
| 68             | Bureau of Justice Statistics, <i>Selected Findings: Guns Used in Crime</i> , July 1995 (“ <b>Guns in Crime BJS 1995</b> ”)  |
| 69             | SAFE Act Amendment  |
| 70             | <i>Statement of Professors of Constitutional Law: The Second Amendment and the Constitutionality of the Proposed Gun Violence Prevention Legislation</i> , January 3, 2013 (“ <b>Professors’ Statement</b> ”) |

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed in New York, New York, this 21st day of June, 2013.

Dated: New York, New York  
June 21, 2013

/s/ William J. Taylor, Jr.  
William J. Taylor, Jr.